

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re:

Michael Anthony Gavin and Lisa Marie Gavin

Chapter 13
Case No. 11-58875 SLJ

OBJECTION TO CLAIM; NOTICE OF OPPORTUNITY FOR
HEARING; CERTIFICATE OF SERVICE

CLAIMANT: Bank of America, National Association as successor by
merger to LaSalle Bank National Association, as Trustee for
Certificateholders of Bear Stearns Asset Backed Securities I LLC,
Asset Backed-Certificates, Series 2005-HE11

CLAIM NO: 11

Debtor(s) _____ /

The Debtor(s) [or Trustee] object(s) to the allowance of the claim described as:

<u>NAME & ADDRESS OF CLAIMANT (as set forth on Proof of Claim)</u>	<u>DOLLAR AMT</u>	<u>DATE FILED</u>
Bank of America, National Association as successor by merger to LaSalle	\$365,031.11	March 29, 2012
Bank National Association, as Trustee for Certificateholders of Bear Stearns		
Asset Backed Securities I LLC, Asset Backed-Certificates, Series 2005-HE11		
Address: Chase Records Center		
Attn: Correspondence Mail		
Mail Code LA4-555		
700 Kansas Lane		
Monroe, LA 71203		

The basis for the objection is that the claim:

- duplicates claim no. _____ filed on _____ by _____.
- does not include a copy of the underlying judgment.
- does not include a copy of the security agreement and evidence of perfection.
- fails to assert grounds for priority.
- does not include a copy of the assignment(s) upon which it is based.
- appears to include interest or charges accrued after the filing of this case on _____.
- is not timely filed.

XX The debtors intend to surrender the real property located at 7748 N. Patriot Ave., Fresno, CA 93722 to the above lienholder in satisfaction of the debt in full pursuant to the Chapter 13 Plan. A stipulation terminating the automatic stay was filed with the Court on December 14, 2012 (Docket No. 44) and an Order was approved by the Court on January 6, 2013 (Docket No. 46).

The Objecting Party will ask the Court to enter an Order providing that the claim is:

- allowed as a secured claim in the amount of: \$_____.
- allowed as an unsecured claim in the amount of: \$_____.
- allowed as a priority claim in the amount of: \$_____.
- XX disallowed in its entirety
- XX not to be paid by the Chapter 13 Trustee.

NOTICE IS HEREBY GIVEN, pursuant to FRBP 3007 as modified by Local Rule 9014: 1) that any objection to the requested relief, or a request for hearing on the matter must be filed and served on the requesting party within twenty-one (21) days of mailing of the notice; 2) that a request for hearing or objection must be accompanied by any declarations or memoranda of law the party objecting or requesting wishes to present in support of its position; 3) that if there is not a timely objection to the requested relief or a request for hearing, the Court may enter an order granting the relief by default; and 4) that the initiating party will give at least seven (7) days written notice of hearing to the objecting or requesting party, and to any trustee or committee appointed in the case, in the event an objection or request for hearing is timely made.

Dated: April 11, 2013

/s/ Anita L. Steburg

Attorney for Objecting Party, Michael and Lisa Marie Gavin
Steburg Law Firm, P.C.
1798 Technology Drive, Suite 258
San Jose, CA 95110
Telephone: (408) 573-1122

DEBTORS' ADDRESS:

Michael and Lisa Marie Gavin
6097 Santa Ysabel Way
San Jose, CA 95123

CERTIFICATE OF SERVICE

I am not less than 18 years of age and not a party to the within case. My business address is: 1798 Technology Drive, Suite 258, San Jose, CA 95110. I served this OBJECTION TO CLAIM; NOTICE OF OPPORTUNITY FOR HEARING by first-class United States Mail, postage pre-paid, at San Jose, California, on the date noted below and addressed to the Claimant above, and on those listed below:

PITE DUNCAN
4375 Jutland Drive, Suite 200
PO Box 17933
San Diego, CA 92117
(Counsel for creditor)

If entitled to notice, the Chapter 13 Trustee will receive such notice upon the electronic filing of this document I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: April 11, 2013 at San Jose, California.

/s/ Anita L. Steburg
Steburg Law Firm, P.C.
1798 Technology Drive, Suite 258
San Jose, CA 95110

Rev. 1/2010